

**Application No. 09/706,592
Response to Official Action
November 21, 2006**

Attorney Docket No. DN38415R1

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REMARKS

The Official Action is apparently construing the claims as being of a scope to prevent users of the terminal equipment 10 of Grob et al US 5,574,773 from sending the message "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink US 5,901,284, col. 14, lines 1-2) over a wireless link 160, Grob FIG. 2. To expedite allowance, applicant has amended each of the independent claims to still further avoid any such misinterpretation of the claim language as reading on the combination of Grob et al US 5,574,773 in view of Hamdy-Swink US 5,901,284. For this reason alone all of the claims are respectfully submitted to clearly patentably distinguish over the references. The message "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink US 5,901,284, col. 14, lines 1-2) does not relate specifically to the initial establishment of wireless linkage in the wireless communication network per claim 16 as amended by the addition of clause (c) since "ATDT 404-555-1212 @ PIN, PASSCODE" of Hamdy-Swink simply enables the terminal equipment to access the called party's equipment, and has nothing to do with initial establishment of wireless linkage in the wireless communication network.

The other independent claims with added limitations are discussed in detail hereinafter.

For the sake of completeness, Applicant also provides hereinafter additional reasons why the claims clearly patentably distinguish over the references now relied upon.

With respect to sections 2 and 3 of the Official Action, applicant respectfully requests reconsideration of the rejection of claims 16-18, 26, 31-32, 34 and 35 on Grob et al US 5,574,773 in view of Hamdy-Swink US 5,901,284.

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Grob and Hamdy-Swink Fail to Teach or Suggest the Limitations of Claim 16

The Official Action at page 2, the second line from the bottom of page 2, uses the term "information", and overlooks that claim 16 specifies "wireless network information"; the "information" 308 sent by Grob is the telephone number of a called party to be accessed via telephone network 30, and has nothing to do with "wireless network information". Hamdy-Swink has nothing to contribute re "wireless network information", but is concerned to give authentication information to a public telephone system 17, 24, 30 (Hamdy-Swink col. 13, lines 51-54) before access to a called party's equipment is given.

The Official Action at page 3, the second paragraph, asserts that the command "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) is foreign to the standard modem command format, and somehow meets the claims. The parameters sent at 308, FIG. 5 of Grob, are clearly being sent to base station 80 after the wireless network has been established at 302, FIG. 5; the parameters "CdPN, CgPN, PIN and PASSCODE" are not "utilized concerning the initial establishment of the wireless communication network" as required by both subparagraphs (a) and (b) of claim 16

The command "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) is not used in Hamdy-Swink for the initial establishment of the wireless communication network" as required by both subparagraphs (a) and (b) of claim 16, but is sent by the modem of the calling party (Hamby-Swink col. 13, line 65 to col. 14, line 5) via switch 16a, FIG. 1 of Hamdy-Swink, to the components 17, 24, 30 so as to initiate step 140, FIG. 2 of Hamdy-Swink. Clearly, the command "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) is used in the public telephone network, and is not used in Hamdy-Swink for the initial establishment of the wireless communication network" as required by both subparagraphs (a) and (b) of claim 16.

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Hamdy-Swink states at col. 13, line 65 to col. 14, line 5, as follows:

“Thus, the preferred embodiment includes a silent answer feature (the @dialing command of Hayes compatible modems) and allows a user to enter information such as a PIN and PASSCODE with the CdPN (i.e., ATDT 404-555-1212@PIN, PASSCODE). The silent feature enables the modem to send the information at the proper time for the communication access restriction services of the present invention to work. (Emphasis Supplied)

The above quoted passage makes clear that not only is the command not used for the initial establishment of wireless linkage in the wireless communication network as required by subparagraphs (a), (b) and (c) of claim 16, but further the command is a standard Hayes modem command used for its usual purpose.

The only teaching in Grob and Hamdy-Swink concerning the initiation of a wireless network is the following passage from Grob, col. 6, lines 43-50, which is directly contrary to the teachings of claim 16:

“Mobile unit recognizes the command and initiates a wireless connection over the physical layer with base station 80 using standard Origination Message for transmission, command 302, with no called party number as described in EIA/TIA/IS-95 document entitled “Mobile Station—Base Station Compatibility Standard for Dual-Mode Wideband Spread Spectrum Cellular System.”

Hamdy-Swink contains no suggestion whatever of not using the “standard Origination Message for transmission, command 302, with no called party number” as taught by Grob.

Clearly protocol stack 230, FIGS. 3 and 4 of Grob, of the mobile unit 60 or 62 generates the “wireless network information”; see Grob col. 5, lines 5-8, and the command at 302 in FIG. 5. Once a wireless link 160 is established, the mobile unit 60 or 62 uses the wireless link to send the modem command at 308, FIG. 5, to terminal equipment 50 per the “phone number” given by the “ATDT#” command. (Grob, col. 6, line 39). The command “ATDT 404-555-1212 @ PIN, PASSCODE” (Hamdy-Swink col.

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14, lines 1-2) has the purpose of advising the telephone network of the phone number being called, and to transmit to the public telephone network the access authentication information which is used as a standard modem command.

In Appendix A (which was added at page 9 of the specification by the Amendment and Response to Office Action mailed June 9, 2004) of the present specification, in section 1.1.1.1, Modem Emulation Mode, it is stated:

"The intention of this mode of operation is for point to point communications between two Picolink radios."

Thus, the commands of the present disclosure clearly relate to the wireless linkage e.g. between two radios.

In section 1.1.1.1.2, ATD Command, it is explained that when a radio receives the ATD command it will either create an infrastructured network or join an infrastructured network. In the second line of the table at the bottom of the first page of the Appendix A, the "T" for tone dialing is ignored by the radio. The number NNNNN is used as the network identification for identifying a specific network, which is foreign to the standard purpose of identifying the phone number of the receiving device to be called via the "standard telephone network" (Grob, col. 1, line 17, and col. 6, lines 39-40, and Hamby-Swink col. 12, lines 10-14). New claims 36-41 are specific to the particular commands given in section 1.1.1.1, 1.1.1.1.1, and 1.1.1.1.2.

In Grob, the second device "capable of wireless communication" (claim 16, subparagraph (a)), is base station 80. Base station 80 of Grob relays the standard modem command such as "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) to the telephone network 30 as analog signal 120 via a wire link which corresponds to the wire link between modem 20 and the telephone network 30 in FIG. 1 of Grob. The base station 80 of Grob does not take action based on "wireless network information which is foreign to said standard modem command format, . . . for initial establishment of the wireless communication network" as per claim 16(b). The base station 80 receives the standard command at 308, FIG. 5, after the wireless network

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has been established (at 302, FIG. 5)!! The use of the Hamdy-Swink command "ATDT 404-555-1212 @ PIN, PASSCODE" does not change this teaching of Grob.

Claims 17, 18, 26, 31, 32, 34 and 35 Patentably Distinguish Over Grob and Hamdy-Swink

Claims 17, 18, 26, 31, 32, 34 and 35 patentably distinguish over Grob and Hamdy-Swink, for example by virtue of the following underlined limitations, as will be fully understood from the foregoing explanation of the patentability of claim 16 over Grob and Hamdy-Swink.

Claim 17 (currently amended): A wireless communication system comprising:

- (a) at least one first device capable of wireless communication, for generating at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format; and
- (b) at least one second device capable of wireless communication;
- (c) said network establishment signal being sent via wireless transmission from the first device and being received by the second device, whereby a wireless communication network comprising the first device and the second device is created pursuant to the network establishment signal having said network establishment information which is foreign to said standard modem command.
- (d) wherein the network establishment information relates specifically to a wireless linkage in the wireless communication network.

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Claim 18 (currently amended): A method of communicating with a device having a device wireless communication system capable of wireless communication, said method comprising:

- (a) establishing a wireless network including the device wireless communication system by incorporating wireless network establishment information into a standard modem command selected from a standard modem command format where said wireless network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format, and sending to the device wireless communication system the wireless network establishment information incorporated in said standard modem command; and
- (b) after the wireless network including the device wireless communication system has been created pursuant to the wireless network establishment information which is foreign to said standard modem command, effecting communication via the newly created network including the device wireless communication system,
- (c) wherein the wireless network establishment information relates specifically to the creation of wireless linkage in the wireless communication network.

Claim 26 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

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- (b) said device wireless communication subsystem being responsive to the network establishment information which is foreign to said standard modem command sent via wireless transmission to become part of a wireless network,
- (c) wherein the network establishment information relates specifically to a wireless linkage in the wireless communication network.

Claim 31 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing a network establishment signal having identification information incorporated into a standard modem command selected from a standard modem command format, where said identification information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;
- (b) said device wireless communication subsystem receiving the network establishment signal via wireless, and using the identification information which is foreign to said standard modem command to become part of a wireless network.
- (c) wherein the device wireless communication subsystem is responsive to the identification information to control a wireless linkage per se in the wireless communication network.

Claim 32 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having network operation information incorporated into a standard modem command selected from a standard modem command format, where said network operation information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command

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format;

(b) said device wireless communication subsystem receiving said at least one control signal via wireless transmission, and being responsive to the network operation information which is foreign to said standard modem command to control its operation as part of a wireless network.

(c) wherein the device wireless communication subsystem is responsive to network operation information which relates specifically to wireless linkage in the wireless network.

Claim 34 (currently amended):: A method of communicating with a device comprising a device wireless communication system capable of wireless communication, said method comprising:

(a) generating at least one control signal having control information incorporated into a standard modem command selected from a standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;

(b) sending via wireless transmission directly to the device wireless communication system said control signal having control information incorporated into said standard modem command selected from the standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format; and

(c) at the device wireless communication system responding to the control information incorporated into said standard modem command selected from the standard modem command format to effect a control operation even though said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format.

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Claim 35 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having control information incorporated into a standard modem command selected from a standard modem command format, where said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;
- (b) said device wireless communication subsystem receiving said control information via wireless transmission directly via a wireless link and being responsive to the control information which is foreign to said standard modem command to effect a control operation even though said control information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format.

Claims 22-25, 30 and 33 Patentably Distinguish Over Grob In View Of Hamdy-Swink In View Of Monroe

With respect to section 4 of the Official Action, applicant respectfully requests a reconsideration of the rejection of claims 22-25, 30 and 33 on Grob (US 5,574,773) in view of Hamdy-Swink (US 5,901,284) in view of Monroe (US 6,363,335 B1).

The Official Action states at page 4, lines 7-13:

“As Grob’s mobile sending ATDT (or ATD) modem command to establish a data connection in a wireless network at the time of invention, it would have been obvious to one of ordinary skill in the art to have other AT modem commands taught by Monroe et al. sent by the Grob’s mobile to the base station to establish the wireless network for sending data via

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wireless communication using modems for the purpose of convenience and saving time and reducing the cost (column 2, lines 15-20, lines 30-35 '335)."

The underlined words in the above statement from page 4 of the Official Action, shows a crucial misunderstanding of Grob and Hamdy-Swink. As shown in FIG. 5 of Grob, the command "ATDT#" or "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) is sent by Grob's mobile unit 60 at 308, FIG. 5, after the wireless network has been established, "not to establish the wireless network" as stated at page 4 of the Official Action. The information "ATDT#" or "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) at 308 in FIG. 5 is used by the telephone network 30 to set up a connection with terminal equipment 50, FIG. 2, based on the standard meaning of the "ATDT#" or "ATDT 404-555-1212 @ PIN, PASSCODE" (Hamdy-Swink col. 14, lines 1-2) command.

In Monroe, Table 2 at col. 11, the command "ATDnnnnn", for example, is sent from user equipment 1304 to data terminal apparatus 1308 via interface 1306, FIGS. 13A and 13B. Such commands according to Grob, FIG. 5, at 300, are sent from terminal unit 10 to mobile unit 60, and thus both Grob and Monroe teach sending the standard commands via wire link to the first radio, and do not meet the following underlined limitations of claims 22-25, 30 and 33:

Claim 18 (currently amended): A method of communicating with a device having a device wireless communication system capable of wireless communication, said method comprising:

(a) establishing a wireless network including the device wireless communication system by incorporating wireless network establishment information into a standard modem command selected from a standard modem command format where said wireless network establishment information is foreign to said standard modem command and is not associated with said standard modem command

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according to said standard modem command format, and sending to the device wireless communication system the wireless network establishment information incorporated in said standard modem command ; and

(b) after the wireless network including the device wireless communication system has been created pursuant to the wireless network establishment information which is foreign to said standard modem command, effecting communication via the newly created network including the device wireless communication system,

(c) wherein the wireless network establishment information relates specifically to the creation of wireless linkage in the wireless communication network.

Claim 22 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a response mode where a response is made via wireless transmission to an incoming wireless message, and to enter a quiet mode where no response via wireless transmission is made to an incoming wireless message.

Claim 23 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a quiet mode where a response is not sent to an incoming wireless message, and to enter a response mode where a response is sent via wireless transmission to an incoming wireless message.

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Claim 24 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a text response mode where a text response is made via wireless transmission to an incoming wireless message, and to enter a numeric response mode where a numeric response via wireless transmission is made to an incoming wireless message.

Claim 25 (previously presented): A method as in claim 18 wherein after establishment of the wireless communication network comprising the device wireless communication system, a message is generated comprising an instruction utilizing a standard modem command format to leave a numeric response mode where a numeric response is made via wireless transmission to an incoming wireless message, and to enter a text response mode where a text response via wireless transmission is made to an incoming wireless message.

Claim 26 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one network establishment signal having network establishment information incorporated into a standard modem command selected from a standard modem command format, where said network establishment information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;
- (b) said device wireless communication subsystem being responsive to the network establishment information which is foreign to said standard modem command sent via wireless transmission to become part of a wireless network,
- (c) wherein the network establishment information relates specifically to a wireless linkage in the wireless communication network.

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Claim 30 (previously presented): A wireless communication system as in claim 26 wherein the network establishment information comprises a network parameter to be used in becoming part of the wireless network

Claim 32 (currently amended): A wireless communication system comprising:

- (a) a device having a device wireless communication subsystem capable of wireless communication, for processing at least one control signal having network operation information incorporated into a standard modem command selected from a standard modem command format, where said network operation information is foreign to said standard modem command and is not associated with said standard modem command according to said standard modem command format;
- (b) said device wireless communication subsystem receiving said at least one control signal via wireless transmission, and being responsive to the network operation information which is foreign to said standard modem command to control its operation as part of a wireless network,
- (c) wherein the device wireless communication subsystem is responsive to network operation information which relates specifically to wireless linkage in the wireless network.

Claim 33 (previously presented): A wireless communication system as in claim 32 wherein the network operation information comprises an awake time value to be used during operation in connection with the wireless network.

The modem which is preferably part of data terminal apparatus 1308 is described at col. 3 of Monroe (6,363,335), lines 43-47, as preferably a "standard GSM modem", so that applicant understands the commands shown in FIG. 13B at 1336 and 1352, and in

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FIG. 13C, at 1360 and 1368, such as "ESTABLISH LINK", to be standard SMS (GSM Short Messaging Service) commands – see col. 4, lines 9-12. Thus Monroe teaches the use of commands in the command set utilized for a typical modem, and teaches that the standard commands are to have their standard meaning, directly teaching away from the present invention!

With respect to all the claims as now presented, Monroe teaches that the Hayes type commands 1332, FIG. 13B and 1356, FIG. 13C are transmitted via link 1306, FIG. 13A, which is disclosed as a "serial data interface" at col. 3, lines 40-43, and specifically an RS-232 lines, col. 6, lines 57-65; see also col. 7, lines 13-18, and col. 16, lines 46-48. Thus Monroe does not make Grob relevant to claims 22-25, 30 and 33.

New claims 36-41 likewise clearly distinguish over all of the references as combined in the Official Action.

GENERAL AUTHORIZATION UNDER 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to charge the cost of any claim fees that may be required to deposit account 09-0471. The Patent and Trademark Office is hereby authorized to treat this or any future reply, requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time. The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 to deposit account 09-0471.

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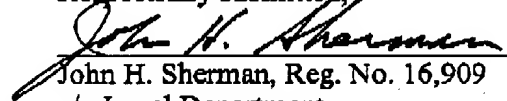
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CONCLUSION

An earnest effort has been made to fully respond to the Official Action, and a favorable consideration and allowance of each of the claims as now presented is respectfully solicited.

Respectfully submitted,


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Enclosure: Petition for a Two-Month Extension of Time of Two Pages